



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,126	09/22/2000	Tatsushi Nashida	450101-02198	5640
20999 7590 07/09/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER HOSSAIN, FARZANA E				
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

darfanis@flhlaw.com

### Office Action Summary

**Application No.**

09/601,126

**Applicant(s)**

NASHIDA ET AL.

**Examiner**

FARZANA E. HOSSAIN

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to communications filed 02/25/2008. Claims 1, 4 and 18 are amended. Claims 2, 3, 5-17, 19-21 have been previously presented.

### ***Response to Arguments***

2. Applicant's arguments filed 02/25/2008 have been fully considered but they are not persuasive.

Regarding Claim 1, the applicant argues that Florin is in direct contrast to shifting the entire menu screen and gradually enlarging to encompass substantially all of the screen (Page 13).

In response to the arguments, the examiner respectfully disagrees. Florin discloses wherein a main menu screen is constructed by the categorized menu (Figure 22-35, 302, 315) and allows for shifting of the menu screen based on a user selecting different program as program selected can be the center screen and can be moved one window to the left (Figure 34, 380, Column 20, lines 51-65, Column 21, lines 1-15) and that program is then enlarged (Figure 33- 35) and that the selected screen can be further enlarged to encompass all of the screen (Column 20, liens 51-65, Column 21, liens 13-15). Florin is merely silent on gradually enlarging the screen. In analogous

art, Herz discloses a menu with target objects including a plurality of dimension and levels or clusters and sub-clusters, the plurality of sub-clusters can allow the menu scale to be gradually increased over time for a current menu for a cluster or sub-cluster or child screen giving a "zooming in" impression to the viewer or a selection is gradually enlarged (Column 66, lines 20-32, Column 64, lines 5-67, Column 65, lines 63-66). Florin does not teach away from the claim language.

Furthermore, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727, No. 04-1350, slip. op. at 12 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

The applicant states that the above argument applies to claims 4 and 18 and all dependent claims. See response above.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 9, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al (US 5,583,560 and hereafter referred to as "Florin") in view of McGee et al. (US 6,496,228 and hereafter referred to as "McGee"), Alexander et al. (US 6,177,931 and hereafter referred to as "Alexander") and Herz et al (US 5,835,087 and hereafter referred to as "Herz").

Regarding Claims 1, 4 and 18, Florin discloses an information providing apparatus and information providing method (Figure 1-2, element 54) for displaying information on a screen (Figure 6-50), based on information data provided through a plurality of information sources (Figure 1, elements 50, 56, 57), characterized by comprising:

means for obtaining first index information or television program listing (Figure 2, 67, Column 2, lines 53-59; Column 10, lines 61-65) from a first information source 50 of the plurality of information sources (Figure 1, 50, 56, 57);

means for obtaining second index information including listing of all programs recorded on the VCR (Figure 2, 69, Column 16, lines 40-50) from a second information source including VCR (Figure 2, 56) of the plurality of information sources (Figure 1, Figure 2);

means for displaying a categorized menu on the screen (Figure 2, 58, Figures 22-35) menu of icons/still images (Column 3, lines 13-21, Column 20, lines 51-65), based on the obtained first and second index information from the first and second information (Column 20, lines 28-31); and

means for obtaining necessary information from the first or second information source, in response to selection operation on the menu screen, and for displaying information based on the necessary information (Figure 2, 63, Figure 33, 380, 375 Column 20, lines 34-50);

wherein the menu screen is arranged to display the information in a plurality of dimensions (two-dimensional icons) and levels or plurality of sub-menus by the user selecting icon (Figure 28, 315); in which the screen display the second level of sub-menu 360) such that a substantial portion of the necessary information (Figure 28, 360, 300) can be seen and navigated on a minimum number of screens to enable relatively easy programming decisions and selections (Figures 22-35); and

wherein a plurality of child screens are displayed on the menu screen (Figure 28, Figures 33- 35) and wherein a selected child screen is positioned in a center region of the menu screen by shifting the entire menu (Figure 34, 380, Column 20, lines 51-65, Column n21, liens 13-15) and enlarged to encompass substantially all of the screen or all of the screen (Column 20, lines 51-65, Column 21, lines 1-15), wherein a main menu screen is constructed by the categorized menu (Figures 22-24, 302, 315, Figure 25-35) and at least one menu from a menu of favorite channels and menu of media (Figures 22-24, 302, 315, 310, figures 25-35).

Florin does not clearly disclose, "wherein the first index information includes representative information indicating scene changes in the information data provided through the first information source, means for recording a history of programs watched and heard by a user, and controlling the display of information such that a favorite

channel of the user is displayed to be selectable a priori in accordance with the history, that the main screen has at least one menu from a menu of recommended channel and a menu of media and a selection is gradually enlarged.

McGee discloses wherein the first index information includes representative information indicating scene changes in the information data provided through the first information source (Column 3, lines 33-65, Column 15, lines 25-65). Alexander, in a similar art, discloses means for recording a history of programs watched and heard by a user, and controlling the display of information such that a favorite channel of the user is displayed to be selectable a priori in accordance with the history (Column 16, lines 36-50; Column 28, lines 30-67; Column 30, lines 38-67, Column 31, lines 1-8) wherein a main menu screen is constructed by the categorized menu (Figure 7, Column 7, lines 47-55, Column 15, lines 33-40) and at least one menu from a menu of favorites and menu of media (Column 16, lines 36-50, Figure 1, Figure 7).

In analogous art, Herz discloses a menu with target objects including a plurality of dimension and levels or clusters and sub-clusters, the plurality of sub-clusters can allow the menu scale to be gradually increased over time for a current menu for a cluster or sub-cluster or child screen giving a "zooming in" impression to the viewer or a selection is gradually enlarged (Column 64, lines 5-67, Column 65, lines 63-66, Column 66, lines 20-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin to include the first index information includes representative information indicating scene changes in the information data

provided through the first information source (Column 3, lines 33-65, Column 15, lines 25-65) as taught by McGee so to provide to user a system which will create a visual index in a useable form of video source which was previously recorded or while being recorded in which the user could browse, navigate through the visual index by either Fast Forward through the source video or play the source video from the visual index to the selected key frame Column 15, lines 64-67) as disclosed by McGee. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by means for recording a history of programs watched and heard by a user, and controlling the display of information such that a favorite channel of the user is displayed to be selectable priori in accordance with the history (Column 16, lines 36-50; Column 28, lines 30-67; Column 30, lines 38-67, Column 31, lines 1-8), at least one menu from a menu of favorites and menu of media (Column 16, lines 36-50, Figure 1, Figure 7) as taught by Alexander, so to improve viewer interaction capabilities with the EPG in using user profile/history information to customize various aspect of the EPG (Column 2, lines 1-20), as suggested by Alexander. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin to include a selection is gradually enlarged (Column 66, lines 20-32, Column 64, lines 5-67, Column 65, lines 63-66) as taught by Herz in order to make it more aesthetically pleasing to a user by zooming in to the menu.

Regarding Claims 2 and 5, Florin, McGee, Alexander and Herz disclose all the limitations of Claims 1 and 4 respectively. Florin further discloses wherein the necessary information is index information or EPG program information (Column 10,



lines 61-66) with channel number provided from the service provider for displaying the categorized menu (Figure 1, 50, Column 15, lines 17-40).

Regarding Claims 3 and 6, Florin, McGee, Alexander and Herz disclose all the limitations of Claims 1 and 4 respectively. Florin further discloses that the index information or television program listing from the first information source is obtained through the network (Figure 1, 52, Column 2, lines 53-59 and Column 10, lines 45-65).

Regarding Claims 7 and 8, Florin, McGee, Alexander and Herz disclose all the limitations of Claims 1 and 4 respectively. Florin further discloses wherein the minimum number of screens is one (Figure 22-35).

Regarding Claims 9 and 13, Florin, McGee, Alexander and Herz disclose all the limitations of Claims 1 and 4 respectively. McGee further discloses wherein the first index information includes a plurality of still images indicating scene changes in the information data provided through the information source (Column 5, lines 1-13; Column 10, lines 1-67, Column 11, lines 1-67, Column 12, lines 1-13).

5. Claims 10-12, 14, 15-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of McGee, Alexander and Herz as applied to above claim 9 further in view of Hatori et al (US 5,977,974 and hereafter referred to as "Hatori").

Regarding Claims 10, 14 and 19, Florin, McGee, Alexander and Herz disclose all the limitations of Claims 9, 13 and 10 respectively. Florin discloses a third receiver (Figure 2, 63), which includes a second display or second screen displaying a plurality

of images (Figures 28, 33-35). McGee further discloses wherein the first index information includes a plurality of still images indicating scene changes in the information data provided through the information source (Column 5, lines 1-13; Column 10, lines 1-67, Column 11, lines 1-67, Column 12, lines 1-13). Florin, McGee, Alexander and Herz do not disclose displaying the plurality of still images in a temporal sequence so that relationships among the plurality of still images can be view in time series. Hatori discloses displaying the plurality of still images in a temporal sequence so that relationships among the plurality of still images can be view in time series (Column 19, lines 40-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include displaying the plurality of still images in a temporal sequence so that relationships among the plurality of still images can be view in time series (Column 19, lines 40-65) as taught by Hatori in order to provide an EPG that displays plurality of still images arranged in a spiral layout a user can easily have a sense of time intervals or depth in which the user can intuitively have a sense of temporal order (Column 2, lines 38-53) as disclosed by Hatori.

Regarding Claims 11, 15, 16 and 20, Florin, McGee, Alexander, Herz and Hatori disclose all the limitations of Claims 10, 14, 15, and 19 respectively. Hatori discloses wherein the plurality of still images includes arranging the plurality of still images in a spiral layout, in increasingly smaller size toward the center of the spiral layout (Column 20, lines 1-50).

Regarding Claims 12, 17 and 21, Florin, McGee, Alexander, Herz and Hatori disclose all the limitations of Claims 11 and 20. Hatori discloses controlling and moving the plurality of still images in the spiral layout, such that as more temporally current still images come into view on the outermost arm of the spiral layout, temporally older still images move spirally inward toward the center of the spiral layout (Column 20, lines 1-50).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone number is

(571)272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623

FEH  
July 2, 2008